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II

106TH CONGRESS  
1ST SESSION

## S. 423

To prohibit certain Federal payments for certain methadone maintenance programs, and for other purposes.

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### IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 1999

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To prohibit certain Federal payments for certain methadone maintenance programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Addiction Free Treat-  
5 ment Act of 1999".

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Heroin use in the United States continues  
9 to increase.

1           (2) Drug use among teenagers in the United  
2 States is increasing and the number of teenagers  
3 that are using heroin for the first time is higher  
4 than at any previous time in history.

5           (3) Between 1992 and 1996 heroin use among  
6 college-age students increased an estimated 10 per-  
7 cent.

8           (4) There are an estimated 810,000 chronic  
9 heroin users in the United States, with an estimated  
10 115,000 heroin addicts in the United States cur-  
11 rently participating in methadone programs.

12           (5) Methadone is a synthetic opiate and the use  
13 of methadone in the treatment of heroin addiction  
14 results in the transfer of addiction from 1 narcotic  
15 to another.

16           (6) Methadone addicts attempting detoxification  
17 experience the same difficult withdrawal process as  
18 would be experienced with heroin detoxification.

19           (7) The Federal Government should adopt a  
20 zero-tolerance, non-pharmacological policy that has  
21 as its defined objective independence from drug ad-  
22 diction.

23           (8) The approach of the Federal Government  
24 should be to address a range of human needs and  
25 conditions that contribute to recidivism among re-

1 covering heroin addicts and that should be designed  
2 to provide opportunities for former heroin addicts to  
3 become drug-free, self-sufficient, productive mem-  
4 bers of society.

5 **SEC. 3. PROHIBITION ON THE USE OF MEDICAID FUNDS**  
6 **FOR CERTAIN METHADONE MAINTENANCE**  
7 **PROGRAMS.**

8 Section 1903(i) of the Social Security Act (42 U.S.C.  
9 1396b(i)) is amended—

10 (1) in paragraph (18), by striking the period  
11 and inserting “; or”; and

12 (2) by adding at the end the following:

13 “(19) with respect to any amount expended for  
14 any drug treatment or rehabilitation program that  
15 utilizes methadone or Levo-Alpha Acetyl-Methadol  
16 unless the program—

17 “(A) has as its primary objective the elimi-  
18 nation of drug addiction, including addiction to  
19 methadone or Levo-Alpha Acetyl-Methadol;

20 “(B) has a specifically defined timetable  
21 (not to exceed 6 months from the date of an in-  
22 dividual’s enrollment as a patient in the pro-  
23 gram) for achieving complete termination of  
24 methadone or Levo-Alpha Acetyl-Methadol  
25 treatment; davis

1           “(C) conducts random and frequent com-  
2           prehensive drug testing for all narcotics;

3           “(D) provides documentation of the results  
4           of such testing;

5           “(E) requires that patients who are par-  
6           ticipating in the program be drug-free for the  
7           duration of their methadone or Levo-Alpha Ace-  
8           tyl-Methadol treatment; and

9           “(F) terminates the methadone or Levo-  
10          Alpha Acetyl-Methadol treatment of any patient  
11          who tests positive for any other illegal narcotic  
12          during the duration of their methadone or  
13          Levo-Alpha Acetyl-Methadol treatment.”.

14 **SEC. 4. PROHIBITION ON THE USE OF CERTAIN PUBLIC**  
15 **HEALTH SERVICE ACT FUNDS FOR CERTAIN**  
16 **METHADONE MAINTENANCE PROGRAMS.**

17          Section 501 of the Public Health Service Act (42  
18 U.S.C. 290aa) is amended by adding at the end the follow-  
19 ing:

20          “(n) **LIMITATION.**—Notwithstanding any other provi-  
21 sion of law, amounts appropriated under this title or title  
22 XIX and administered by the Substance Abuse and Men-  
23 tal Health Services Administration may not be expended  
24 for any drug treatment or rehabilitation program that uti-

lizes methadone or Levo-Alpha Acetyl-Methadol unless the program—

“(1) has as its primary objective the elimination of drug addiction, including addiction to methadone or Levo-Alpha Acetyl-Methadol;

“(2) has a specifically defined timetable (not to exceed 6 months from the date of an individual’s enrollment as a patient in the program) for achieving complete termination of methadone or Levo-Alpha Acetyl-Methadol treatment;

“(3) conducts random and frequent comprehensive drug testing for all narcotics;

“(4) provides documentation of the results of such testing;

“(5) requires that patients who are participating in the program be drug-free for the duration of their methadone or Levo-Alpha Acetyl-Methadol treatment; and

“(6) terminates the methadone or Levo-Alpha Acetyl-Methadol treatment of any patient who tests positive for any other illegal narcotic during the duration of their methadone or Levo-Alpha Acetyl-Methadol treatment.”.

1 **SEC. 5. STUDY OF TREATMENT PROGRAMS.**

2 Not later than 3 years after the date of enactment  
3 of this Act, the Director of the National Institute of Drug  
4 Abuse shall have conducted and completed a study  
5 concerning—

6 (1) the methods and effectiveness of non-  
7 pharmacological heroin rehabilitation programs; and

8 (2) the methods and effectiveness of metha-  
9 done-to-abstinence programs.

10 **SEC. 6. ANNUAL REPORT ON EFFECTIVENESS OF HEROIN**  
11 **REHABILITATION PROGRAMS.**

12 (a) **IN GENERAL.**—Not later than January 1, 2000,  
13 and each January 1 thereafter, the Secretary of Health  
14 and Human Services acting through the Center for Sub-  
15 stance Abuse Treatment shall prepare and submit to Con-  
16 gress a report concerning the effectiveness of heroin reha-  
17 bilitation programs. Each such report shall focus on both  
18 nonpharmacological and methadone-to-abstinence based  
19 approaches to heroin rehabilitation.

20 (b) **TERMINATION.**—The requirement under sub-  
21 section (a) shall terminate after the Secretary of Health  
22 and Human Services submits the 5th annual report under  
23 such subsection.

## 1 SEC. 7. EFFECTIVE DATE.

- 2 The amendments made by this Act apply to amounts  
3 expended on and after the date that is 6 months after  
4 the date of enactment of this Act.

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